

REMARKS

This Preliminary Amendment is submitted in response to the Advisory Action issued 25 August 2003, the Final Office Action issued 26 March 2002, and the telephone interview conducted with the Examiner on January 30, 2004. The Advisory Action and the Final Office Action have been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. Claims 1, 12, 13, 19, 21, 22, and 32 have been amended. Claim 5 was canceled in the Amendment filed 26 December 2002. Claim 11 has been canceled. Claims 36-39 have been withdrawn from consideration as being directed to non-elected embodiments. Claims 1-4 and 6-10, and 12-39, including generic claim 32, are pending in the application and are submitted for examination by the Examiner.

Applicant thanks the Examiner the courteous and productive telephone interview conducted on January 30, 2004. During the interview, it was agreed that cancellation of the text "in the first and second directions" in the phrase "in the first and second directions when the electromagnetic coil is energized" of each of the independent claims 1, 21, and 32 would obviate the objection to the specification and rejection of the claims under 35 U.S.C. § 112, first paragraph, and would place these claims (and claims dependent therefrom) in condition for allowance. By this preliminary amendment and concurrent with the Request for Continued Examination, applicant has amended claims 1, 21, and 32 to delete the above-noted text. Further, to more particularly point out and distinctly claim the subject matter of applicant's invention, each of claims 1, 21, and 32 has been amended to include the feature of a valve portion or member extending away from the armature, as recited, for example, in originally filed claim 11, described at page 5, and in Figure 10. Accordingly, claims 1, 21, and 32 are in condition for allowance. Consequently, claims 2-4, 6-10, 12-20, 22-27, 33-35, and 39, which depend from one of allowable claims 1, 21, and 32 are also in condition for allowance for at least this reason, as well as for reciting additional features.

The specification has been objected to under 37 C.F.R. §1.71 for allegedly failing to provide an explanation how the armature can move along the axis in one or more of two opposite directions along the axis when a coil is energized. Claims 1-4, 6, 7, 9, 11-21, 32, 33, and 34 are rejected under 35 U.S.C. 112, first paragraph, for allegedly containing subject matter not

enabling to one skilled in the art as to how the armature can move in either directions along the axis when the coil is energized.

As discussed in the Amendment filed on July 28, 2003, applicant respectfully reiterates that one skilled in the art would be able to make and use the invention as previously claimed based on the knowledge of such person in the art, including the supplied evidence of known prior art, and from the disclosure of this application. To expedite prosecution, however, applicant has canceled the phrase "in the first and second directions," as discussed above. Accordingly, the objection of the specification and the rejection of the claims have been rendered moot by this preliminary amendment.

CONCLUSION

In view of the foregoing amendment and remarks, applicant respectfully requests the examination of this application, and allowance of the pending claims. Applicant respectfully invites the Examiner to contact the undersigned at (202) 739-5203 if there are any outstanding issues that can be resolved via a telephone conference.

EXCEPT for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: February 2, 2004

By:

MORGAN, LEWIS & BOCKIUS LLP
1111 M Street N.W.,
Washington, D.C. 20004
202.739.3000
Customer No. 009629

Khoi Q. Ta
Reg.No. 47,300

